

Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Nineteenth Day Monday Afternoon March 1, 2021

The invocation was offered by Chaplain of the Public Servant's Prayer.

The House convened at 1:30 p.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Schaibley.

The Speaker ordered the roll of the House to be called:

*	
Abbott	Karickhoff
Andrade	King
Austin □	Klinker
Aylesworth	Lauer
Baird	Ledbetter
Barrett	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning	Lucas
Borders □	
Boy	Lyness Manning
	May
Brown, T.	
Campbell	Mayfield MaNamara
Carbaugh	McNamara
Cherry □	Miller
Clere	Moed □
Cook	Morris
Davis	Morrison □
Davisson	Moseley
DeVon	Negele □
DeLaney	Nisly
Dvorak □	Olthoff
Eberhart	Pack
Ellington	Payne
Engleman	Pfaff
Errington	Pierce
Fleming	Porter
Frye	Prescott
GiaQuinta	Pressel
Goodrich	Pryor
Gore	Rowray
Gutwein	Saunders □
Hamilton	Schaibley
Harris	Shackleford
Hatcher	Slager □
Hatfield □	Smaltz □
Heaton	Smith, V.
Heine	Snow
Hostettler □	Soliday
Jackson	Speedy
Jacob	
	Steuerwald
Jeter Johnson	Summers
Johnson	Summers Tables
Jordan □	Teshka
Judy	Thompson

Roll Call 237: 81 present; 19 excused. The Speaker announced a quorum in attendance. [NOTE: □ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, March 2, 2020, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 18

Representatives Prescott, Lucas, Payne, Hostettler, May, Speedy, Baird, Eberhart, Jeter, King, Ellington, Morris, Landauer, Judy, Morrison, Borders, Abbott and Lauer introduced House Concurrent Resolution 18:

A CONCURRENT RESOLUTION terminating the public health emergency first declared on March 6, 2020, in Executive Order 20-02.

Whereas, Governor Eric Holcomb issued Executive Order 20-02 declaring a public health emergency on March 6, 2020, under the authority of Indiana's Emergency Management and Disaster Law (IC 10-14-3) in response to the global coronavirus disease 2019 (COVID-19) pandemic;

Whereas, IC 10-14-3-12 provides that a state of disaster emergency declared under IC 10-14-3 may not continue for more than thirty (30) days unless the state of disaster emergency is renewed by the governor;

Whereas, Governor Eric Holcomb issued Executive Order 20-17 renewing the public health emergency declared on March 6, 2020, for an additional thirty (30) days effective April 5, 2020;

Whereas, Governor Eric Holcomb issued Executive Order 20-25 renewing the public health emergency originally declared on March 6, 2020, and renewed on April 5, 2020, for an additional thirty (30) days effective May 5, 2020;

Whereas, Governor Eric Holcomb issued Executive Order 20-30 renewing the public health emergency originally declared on March 6, 2020, and renewed on May 5, 2020, for an additional thirty (30) days effective June 4, 2020;

Whereas, Governor Eric Holcomb issued Executive Order 20-34 renewing the public health emergency originally declared on March 6, 2020, and renewed on June 4, 2020, for an additional thirty (30) days effective July 4, 2020;

Whereas, Governor Eric Holcomb issued Executive Order 20-38 renewing the public health emergency originally

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declared on March 6, 2020, and renewed on July 4, 2020, for an additional thirty (30) days effective August 3, 2020;

Whereas, Governor Eric Holcomb issued Executive Order 20-41 renewing the public health emergency originally declared on March 6, 2020, and renewed on August 3, 2020, for an additional thirty (30) days effective September 2, 2020;

Whereas, Governor Eric Holcomb issued Executive Order 20-44 renewing the public health emergency originally declared on March 6, 2020, and renewed on September 2, 2020, for an additional thirty (30) days effective October 2, 2020;

Whereas, Governor Eric Holcomb issued Executive Order 20-47 renewing the public health emergency originally declared on March 6, 2020, and renewed on October 2, 2020, for the eighth time and an additional thirty (30) days effective November 1, 2020;

Whereas, Governor Eric Holcomb issued Executive Order 20-49 renewing the public health emergency originally declared on March 6, 2020, and renewed on November 1, 2020, for the ninth time and an additional thirty (30) days effective December 1, 2020;

Whereas, Governor Eric Holcomb issued Executive Order 20-52 renewing the public health emergency originally declared on March 6, 2020, and renewed on December 1, 2020, for the tenth time and an additional thirty (30) days effective December 31, 2020;

Whereas, Governor Eric Holcomb issued Executive Order 21-03 renewing the public health emergency originally declared on March 6, 2020, and renewed on December 31, 2020, for the eleventh time and an additional thirty (30) days effective January 30, 2021;

Whereas, IC 10-14-3-12 authorizes the general assembly, by concurrent resolution, to terminate a state of disaster emergency at any time and specifies that, if the general assembly terminates a state of disaster emergency under the statute, the governor shall issue an executive order or proclamation ending the state of disaster emergency;

Whereas, The general assembly finds that Hoosiers have been living with the realities of COVID-19 since March 2020 and have access to sufficient information to decide what actions should be taken by themselves and their family members;

Whereas, The general assembly recommends that Hoosiers be respectful of others and the different levels of personal comfort that Hoosiers have and that Hoosiers continue to use caution in their daily activities;

Whereas, The general assembly finds that vaccinations are now available for law enforcement officers and other first responders, health care professionals, and Indiana residents who are at least sixty-five (65) years of age;

Whereas, The general assembly finds that the state of emergency is no longer necessary to protect the health, safety, and welfare of the residents of Indiana; and

Whereas, The general assembly finds that the various restrictions imposed upon the businesses and residents of Indiana to implement the state of disaster emergency are no longer necessary to protect the health, safety, and welfare of the residents of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the General Assembly terminates the public health emergency that was originally declared by the Governor on March 6, 2020, and renewed for the eleventh time

on January 30, 2021, effective immediately upon the passage of this resolution by the Senate;

SECTION 2. That the General Assembly determines that any actions taken by the Governor or any requirements issued by the Governor pursuant to his authority under an emergency declaration are also hereby terminated.

SECTION 3. That copies of this resolution be transmitted by the Principal Clerk of the House of Representatives to Governor Eric Holcomb.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 19

Representatives Goodrich and Borders introduced House Concurrent Resolution 19:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to honor First Lieutenant Clayton Robert Cullen by naming a portion of State Road 67 the "Lt. Clayton Robert Cullen Memorial Highway".

Whereas, Lt. Clayton Robert Cullen was born July 9, 1992, in Evansville, Indiana;

Whereas, Lt. Cullen grew up in Bicknell, Indiana, graduated from North Knox High School in 2011 as student body president, and went on to earn a Bachelor's Degree in History from Indiana University in 2015;

Whereas, While at Indiana University, Lt. Cullen joined the Indiana University Army ROTC program;

Whereas, Upon graduation from Indiana University, Lt. Cullen took an oath to become an active duty officer in the United States Army, specializing in aviation;

Whereas, Lt. Cullen served as a member of the 4th Combat Aviation Brigade, 4th Infantry Division;

Whereas, During his service, Lt. Cullen received several awards, including the Army Achievement Medal, the National Defense Service Medal, and the Army Service Ribbon;

Whereas, Lt. Cullen tragically passed away on January 20, 2018, during a helicopter accident as part of a training exercise at Fort Irwin, California;

Whereas, Lt. Cullen is survived by his parents, Robert and Julie Cullen; his brother and sister-in-law, Ian and Katie Cullen; his grandmother, Kathleen Curry Pack; along with numerous aunts, uncles, cousins, and friends; and

Whereas, In recognition of Lt. Cullen's service and dedication to his hometown, state, and country, it is fitting that his life and service be recognized by the State of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly expresses its deepest gratitude and sympathies to the family of First Lt. Clayton Robert Cullen and urges the Indiana Department of Transportation to honor Lt. Cullen by naming State Road 67 in Knox County from E. Cardinal Road to N. Scepter Road the "Lt. Clayton Robert Cullen Memorial Highway".

SECTION 2. That the Principal Clerk of the House of Representatives is hereby directed to transmit copies of this Resolution to Robert and Julie Cullen, Craig Lehman, and the Commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

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House Concurrent Resolution 20

Representatives GiaQuinta, Leonard, Judy, Lehman, Morris, Heine, Carbaugh, Abbott and Smaltz introduced House Concurrent Resolution 20:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename a bridge on U.S. Route 27 in Fort Wayne as the "Fort Wayne Veterans Memorial Bridge".

Whereas, The Indiana Department of Transportation has jurisdiction over highways in the state system, including those located in municipalities;

Whereas, The Indiana Department of Transportation has jurisdiction over a bridge that spans the St. Marys River and is located on U.S. Route 27, known locally as Spy Run Avenue;

Whereas, The bridge provides a northern entrance to the Old Fort, a point of destination recognizing the historic settlement of the City of Fort Wayne;

Whereas, The bridge is currently known as the Governor Samuel Bigger Memorial Bridge, recognizing Indiana's governor who served from December 9, 1840, to December 6, 1843, and who is buried in Fort Wayne;

Whereas, The City of Fort Wayne plans to rename a section in McCulloch Park, where Governor Bigger is buried, to honor him and increase awareness of his contributions to the state of Indiana;

Whereas, The bridge would become known as the Fort Wayne Veterans Memorial Bridge, honoring and recognizing those who have served in any branch of the military; and

Whereas, Plans to upgrade the bridge include focal points that will recognize all branches of the military: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the many contributions of Indiana veterans, including those who made the ultimate sacrifice to ensure the freedoms held by citizens.

SECTION 2. That the Indiana General Assembly urges the Department of Transportation to rename the state highway bridge over the St. Marys River that is located on U.S. Route 27 near the Old Fort as the Fort Wayne Veterans Memorial Bridge.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the office of State Representative Phil GiaQuinta and to the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 21

Representative Frye introduced House Concurrent Resolution 21:

A CONCURRENT RESOLUTION memorializing Marine Corporal John C. Bishop.

Whereas, Corporal John C. Bishop was born October 17, 1984, in Batesville, Indiana, to Eugene and Sarah Bishop;

Whereas, John Bishop knew as a child that he wanted to become a Marine, and he enlisted soon after graduating from Southwestern Shelby High School in 2003;

Whereas, Cpl. Bishop was stationed at Camp Lejeune, North Carolina, and assigned to the 2nd Battalion, 9th Marine Regiment, 2nd Marine Division, Marine Expeditionary Force; Whereas, Cpl. Bishop was on his third tour, having served previously in Iraq for two tours, when he was shot and killed in the line of duty while on patrol in Helmand province, Afghanistan, in 2010. He was 25 years of age;

Whereas, Cpl. Bishop was survived by his wife, son, unborn daughter, mother, and siblings;

Whereas, It is fitting that the Indiana General Assembly recognize and remember Cpl. Bishop as a born-and-raised Hoosier, a proud Marine, and a loving husband, father, son, and brother; and

Whereas, The Indiana General Assembly urges the Indiana Department of Transportation to rename the bridge on U.S. 50 outside Versailles State Park in Ripley County the "Marine Corporal John C. Bishop Memorial Bridge" in memory of Cpl. Bishop's service and sacrifice on behalf of the United States of America: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to rename a bridge on U.S. 50 outside Versailles State Park in Ripley County the "Marine Corporal John C Bishop Memorial Bridge" in memory of Marine Corporal John C. Bishop's service to the State of Indiana and United States of America.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the family of Marine Corporal John C. Bishop and the Commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 22

Representatives Engleman and Clere introduced House Concurrent Resolution 22:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename the bridge over Richland Creek on U.S. Highway 150 as the "Greenville Veterans Memorial Bridge".

Whereas, Indiana is proud to be home to nearly 550,000 veterans, roughly eight percent of the state's population, who have courageously put themselves in harm's way;

Whereas, Greenville, Indiana, is home to 448 veterans who have served their country in the Vietnam War, the First Gulf War, and the Second Gulf War;

Whereas, Indiana is honored to be the home of so many men and women who have answered the call to serve their country against all enemies and to protect the principles of life, liberty, and the pursuit of happiness for all its citizens;

Whereas, It is our duty as regular citizens to support and pay tribute to those who have sacrificed so much to serve their great nation; and

Whereas, The community of Greenville, Indiana, would like to honor their veteran neighbors by naming a bridge to commemorate all who served the entire country: Therefore,

> Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to rename the bridge over Richland Creek on U.S. Highway 150 as the "Greenville Veterans Memorial Bridge".

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SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Karen Engleman and the Commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 23

Representative Pfaff introduced House Concurrent Resolution 23:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename the bridge over Big Walnut Creek at North U.S. Highway 231 as the "James Baugh Memorial Bridge".

Whereas, On Friday, January 2, 2004, Captain James "Jim" Baugh lost his life while on duty with the Putnam County Sheriff's Department;

Whereas, Captain Baugh, while responding to a call, lost control of his sheriff's vehicle on wet pavement and skidded into Big Walnut Creek; he was pulled from the water but died five hours later;

Whereas, Captain Baugh served his community for 36 years, as a police officer for four years with the Greencastle Police Department and 32 years with the Putnam County Sheriff's Department;

Whereas, Captain Baugh was a firearms adjunct staff instructor at the Indiana Law Enforcement Academy for more than 20 years, achieved "Governor's 20" status, and was named one of the top 20 pistol shooters among police officers in the state:

Whereas, Captain Baugh's passion for firearms safety and training was instrumental in the creation and development of the Putnam County Sheriff's Department's pistol range that is now called the "Captain Jim Baugh Firearms Range"; and

Whereas, Captain James Baugh gave his life in service to his community and his state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to rename the bridge over Big Walnut Creek at North U.S. Highway 231 as the "James Baugh Memorial Bridge".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of James Baugh and the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 2, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 2 with "[EFFECTIVE JULY 1, 2020 (RETROACTIVE)]".

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 15.

Page 4, line 18, delete "section" and insert "subsection".

Page 4, line 20, delete "2021 spring" and insert "2020 fall".

Page 4, line 21, after "20-43-4-9(a)." insert ""Virtual instruction" means instruction that is provided in an interactive learning environment created through technology in which the student is separated from a teacher by time or space, or both. However, the term does not include instruction that is provided to a student that meets both of the following requirements:

(1) The student was not enrolled in a:

(A) virtual education program (as defined in IC 20-19-9-1);

(B) dedicated virtual education school; or

(C) virtual charter school (as defined in IC 20-24-1-10);

on the date fixed in February 2020 by the state board for a count of students under IC 20-43-4-3.

(2) The student is enrolled in a school corporation in which fewer than one hundred percent (100%) of the students that were enrolled in that school corporation on the date fixed in February 2020 by the state board for a count of students under IC 20-43-4-3 were receiving instruction in an interactive learning environment created through technology in which the student for whom the instruction is being provided is separated from a teacher by time or space, or both."

Page 4, line 22, after "(b)" insert "This subsection applies only for the purposes of determining a school corporation's basic tuition support under IC 20-43-6-3 using the 2021 spring count of ADM as described in IC 20-43-4-9(a)."

Page 4, delete lines 39 through 42.

Page 5, delete lines 1 through 2.

Renumber all SECTIONS consecutively.

(Reference is to SB 2 as printed January 29, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

BROWN T, Chair

Report adopted.

INTRODUCTION OF BILLS

With consent of the members, the following bills and joint resolutions on Bill List 12 were read a first time by title and referred to the respective committees:

SB 51 — Karickhoff, Vermilion

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

SB 54 — Behning, Thompson

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 59 — Vermilion, Ziemke, Shackleford

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 63 — Negele

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 68 — Jordan, Pressel

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 79 — McNamara

Committee on Courts and Criminal Code

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 81 — Olthoff

Committee on Veterans Affairs and Public Safety

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 82 — Cook, Ziemke

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 93 — Gutwein, Andrade

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

SB 94 — Thompson

Committee on Employment, Labor and Pensions

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 95 — Thompson, Cherry

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 101 — Jordan

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

SB 123 — Behning

Committee on Employment, Labor and Pensions

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 124 — Judy

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning education.

SB 130 — Speedy

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 133 — Speedy

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 150 — Manning, Torr

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 164 — DeVon, Bauer M

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 167 — Young J, Davis

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 175 — Lehman, Smaltz

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 177 — Bartels

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 183 — Leonard

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 185 — Davisson, Lehe

Committee on Agriculture and Rural Development

A BILL FOR AN ACT concerning health.

SB 187 — Lehman

Committee on Veterans Affairs and Public Safety

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 194 — Schaibley

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 195 — Barrett

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 197 — Steuerwald

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 199 — Jeter

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 202 — Barrett, Lehman, Miller D, Wesco

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 203 — DeVon, Teshka, Pfaff

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 204 — Young J, Barrett, Hatfield

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 207 — Goodrich, Miller D

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

SB 209 — Miller D, DeVon

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 218 — Pressel

Committee on Local Government

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A BILL FOR AN ACT to amend the Indiana Code concerning human services.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On February 18, 2021, I signed into law House Enrolled Act 1056.

ERIC HOLCOMB Governor

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as cosponsor of Senate Bill 5.

LEHMAN

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 17, 20, 28, 30, 69, 91, 141, 143, 144, 152, 158, 186, 188, 196, 200, 201, 205, 236, 245, 259, 292, 301, 303, 311, 324, 325, 333, 349, 352, 358, 365, 366, 368, 377, 380, 381, 396, 407, 413, 414 and 416 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ Principal Secretary of the Senate

On the motion of Representative Shackleford, the House adjourned at 1:39 p.m., this first day of March, 2021, until March 2, 2021, at 1:30 p.m.

TODD M. HUSTON Speaker of the House of Representatives

M. CAROLINE SPOTTS Principal Clerk of the House of Representatives